

Lowe	Sallas.	Burton of Rusk.	Murrell.
of McMullen.	Schlesinger.	Butler.	Neill.
McCoy.	Spencer of Nolan.	Cadenhead.	O'Banion.
McDowra.	Stewart.	Cates.	Osborne.
Martin.	Strayhorn.	Cope.	Peyton.
Meador.	Swope.	Cox.	Pillow.
Miller of Dallas.	Taylor.	Davis of Grimes.	Raiden.
Monday.	Templeton.	Davis	Reeves.
Morris.	Thomas.	of Van Zandt.	Richards.
Neeley.	Thomason	De Bogory.	Roemer.
Nichols.	of El Paso.	Denton.	Russell.
Nordhaus.	Trayler.	Dunnam.	Sackett.
O'Brien.	Valentine.	Estes.	Sallas.
Parks.	Wahrmund.	Fairchild.	Sentell.
Peddy.	Walker.	Fisher.	Schlosshan.
Poage.	White.	Fitzpatrick.	Scholl.
Pope.	Williams	Florer.	Seawright.
Robertson.	of Brazoria.	Fly.	Smith of Bastrop.
Rogers.	Williams	Haidusek.	Smith of Hopkins.
Russell.	of McLennan.	Hardey.	Smith of Scurry.
Sackett.	Williford.	Harris.	Spencer of Wise.
		Hill.	Spradley.
		Holaday.	Stewart.
		Holland.	Swope.
		Hudspeth.	Terrell.
		Johnson.	Thomason
		Laas.	of Nacogdoches.
		Lanier.	Thompson
		Lee.	of Hunt.
		Lindemann.	Thompson
		Low	of Red River.
		of Washington.	Tillotson.
		McComb.	Tilson.
		McDowra.	Tinner.
		McFarland.	Tschoepe.
		McMillin.	Upchurch.
		Mendell.	Veatch.
		Metcalf.	White.
		Miller of Austin.	Williford.
		Miller of Dallas.	Wilson.
		Monday.	Woods.
		Moore.	Woodul.
		Morris.	Yantis.

The roll call showed that there was not a quorum present and it was so announced.

Mr. Spradley moved that the Sergeant-at-Arms be instructed to notify the absent members to come in at once.

The motion prevailed.

On motion of Mr. Metcalfe, by unanimous consent the House, at 9:40 o'clock a. m., agreed to stand at ease until 2 o'clock p. m. today.

The House was called to order at 2 o'clock p. m. by the Speaker.

The following members reported absent on the roll call were announced present:

Messrs. Cates, Fisher, Monday, Russell, Woodul, Brown.

The Speaker announced that there was not a quorum present.

ADJOURNMENT.

On motion of Mr. Cope, the House, at 2:10 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

SIXTH DAY.

(Wednesday, September 5, 1917.)

The House met at 9:30 o'clock a. m., pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Baker.	Bertram.	Beasley.	Davis of Dallas.
Beard of Milam.	Blackmon.	Blalock.	Dodd.
Beason.	Bland.	Carlock.	Dudley.
Bedell.	Bledsoe.	Clark.	Jones.
Bell.	Bryan.	Crudgington.	Lacey.

Absent.

Bagby.	Nichols.
Beard of Harris.	Peddy.
Blackburn.	Poage.
Brown.	Pope.
Bryant.	Rogers.
Burton of Tarrant.	Sholars.
Canales.	Spencer of Nolan.
Greenwood.	Strayhorn.
Hartman.	Thomas.
Hawkins.	Valentine.
Lowe	Wahrmund.
of McMullen.	Williams
Martin.	of Brazoria.
Neeley.	

Absent—Excused.

Laney.	Taylor.
Lange.	Templeton.
McCoy.	Thomason
Meador.	of El Paso.
Nordhaus.	Trayler.
O'Brien.	Walker.
Parks.	Williams
Robertson.	of McLennan.
Schlesinger.	

The roll call showed that there was not a quorum present and it was so announced.

Mr. Miller of Dallas moved a call of the House for the purpose of securing and maintaining a quorum and the motion was duly seconded.

The Speaker directed the Doorkeeper to close the main entrance to the Hall and permit no member to leave the Hall without written permission from the Chair, and he instructed the Sergeant-at-Arms to lock all other doors leading out of the Hall.

The Speaker instructed the Sergeant-at-Arms to bring in the absentees.

While the House was standing at ease awaiting the development of a quorum, the following members came in and were marked present:

Messrs. Burton of Tarrant, Sholars, Brown, Bryant, Schlesinger and Dudley.

The Speaker announced that there was a quorum present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain, as follows:

Our Heavenly Father, we come to Thee this morning, who is the source of every blessing, the impression of every pure and noble deed. We pray Thee to give us those qualities of heart and mind that will lead to do Thy holy will in bringing permanent blessings to our great State. Forgive us for all our sins for Jesus' sake. Amen.

PROCLAMATION BY THE GOVERNOR.

The Speaker handed to the Clerk the following proclamation by the Governor, which was read to the House as follows:

Executive Office,
State of Texas.

I, W. P. Hobby, Acting Governor of the State of Texas, by virtue of the authority vested in me by the Constitution of the State, do hereby call an extraordinary session of the Thirty-fifth Legislature to convene in the city of Austin, Texas, beginning at 10 o'clock a. m. Friday, August 31, A. D. 1917, for the following purposes, to-wit:

1. To enact adequate laws to pre-

vent the introduction into the State of Texas, of the cotton pest known as the pink boll worm, and to eradicate such insects if their presence is discovered in this State, making necessary appropriations to enforce the laws thus enacted.

2. To enact needed legislation for the purpose of protecting property rights of Texas citizens who are now or may be enlisted in the service of the United States as soldiers or sailors during the present war between the United States and her allies and the imperial German government; having particular regard to the extension of time in which they may as defendants answer to civil suits filed after enlistment.

3. To enact adequate legislation suspending, during the present war with Germany, the rights of execution under a power of sale in the instrument, in all deeds of trust and mortgages on real property, when the party who executed the instrument is enlisted in the army or navy of the United States, providing that execution may be had only after judicial foreclosure.

4. To enact such legislation as in the judgment of the Legislature may be necessary and proper to meet the unusual conditions that have arisen on account of the severe drouth that has prevailed in the State, providing relief to the citizens in drouth-stricken sections, especially in those counties where the food crops have been failures this season.

5. To facilitate a fair and impartial trial of the articles of impeachment preferred by the House of Representatives against the Governor of Texas.

6. To consider and act upon such other matters as may be presented by the Governor, pursuant to Section 40 of Article III of the Constitution of Texas.

In testimony whereof, I have hereunto signed my name officially, and caused to be impressed hereon the Seal of the State, at the city of Austin, Texas, this 29th day of August, A. D. 1917.

W. P. HOBBY,

Acting Governor of Texas.

By the Governor:

C. J. BARTLETT,

Secretary of State.

LEAVES OF ABSENCE GRANTED.

The following members were granted leave of absence on account of important business:

Mr. Blalock, from the beginning of

the session and indefinitely, on motion of Mr. O'Banion.

Mr. Davis of Dallas, from the beginning of the session and indefinitely, on motion of Mr. Raiden.

Mr. Crudgington, from the beginning of the session and indefinitely, on motion of Mr. Cope.

Mr. Schlesinger, from the beginning of the session until today, on motion of Mr. Dunnam.

Mr. Bedell, from the beginning of the session and for today, on motion of Mr. Smith of Hopkins.

Mr. Stewart, from the beginning of the session until today, on motion of Mr. Cope.

Mr. Sackett, from the beginning of the session until today, on motion of Mr. Lanier.

Mr. Lacy, for today and tomorrow, on motion of Mr. Estes.

Mr. Smith of Bastrop, from the beginning of the session until yesterday, on motion of Mr. Schlosshan.

Mr. McMillen, from the beginning of the session until today, on motion of Mr. Blackmon.

Mr. Peyton, for last Friday and Saturday, on motion of Mr. Cope.

Mr. Wilson, for last Friday and Saturday, on motion of Mr. Smith of Hopkins.

Mr. Osborne, for last Friday and Saturday, on motion of Mr. Florer.

Mr. Laney, for last Friday and Saturday and this week, on motion of Mr. Florer.

Mr. Parks, for last Friday and Saturday and indefinitely, on motion of Mr. Florer.

Mr. Walker, from the beginning of the session until tomorrow, on motion of Mr. Davis of Grimes.

Mr. Murrell, for last Friday and Saturday, on motion of Mr. Mendell.

Mr. Bland, for last Friday, Saturday and Tuesday, on motion of Mr. Mendell.

Mr. Robertson, from the beginning of the session until today, on motion of Mr. Mendell.

Mr. Pillow, for last Saturday, on motion of Mr. Thomason of Nacogdoches.

Mr. Williford, for last Friday, Saturday, Monday and Tuesday, on motion of Mr. Bertram.

Mr. Holland, from the beginning of the session until yesterday, on motion of Mr. Beason.

Mr. Beard of Milam, from the beginning of the session until yesterday, on motion of Mr. Murrell.

Mr. Laas, from the beginning of the session until last Monday, on motion of Mr. Russell.

Mr. Seawright, for last Friday and Saturday, on motion of Mr. Davis of Van Zandt.

Mr. Beason, from the beginning of the session until today, on motion of Mr. Holland.

Mr. Tilson, from the beginning of the session until today, on motion of Mr. Fly.

Mr. Veatch, for last Friday and Saturday, on motion of Mr. Tinner.

Mr. Thomason of El Paso, from the beginning of the session and indefinitely, on motion of Mr. Metcalfe.

Mr. Dudley, from the beginning of the session and indefinitely, on motion of Mr. Metcalfe.

Mr. Raiden, for last Friday and Saturday, on motion of Mr. Harris.

Mr. Burton of Rusk, for last Friday and Saturday, on motion of Mr. Harris.

Mr. Yantis, from the beginning of the session until yesterday, on motion of Mr. Baker.

Mr. Neill, from the beginning of the session until yesterday, on motion of Mr. Baker.

Mr. Butler, from the beginning of the session until yesterday, on motion of Mr. Roemer.

Mr. Lindemann, for last Thursday, Friday and Saturday; and Mr. Bell, for last Friday, Saturday and Monday, on motion of Mr. Upchurch.

Mr. Beasley, from the beginning of the session until today, on motion of Mr. Wilson.

Mr. Roemer, from the beginning of the session until today, on motion of Mr. Smith of Hopkins.

Mr. Sallas, from the beginning of the session until today, on motion of Mr. Hudspeth.

Mr. Swope, from the beginning of the session until today, on motion of Mr. Mendell.

Mr. Cates, from the beginning of the session until today, on motion of Mr. Mendell.

Mr. White, from the beginning of the session until today, on motion of Mr. Miller of Austin.

Mr. Davis of Van Zandt, for last Friday, on motion of Mr. Seawright.

Mr. Woodul, from the beginning of the session until today, on motion of Mr. Seawright.

Mr. De Bogory, for last Friday and Saturday, on motion of Mr. Seawright.

Mr. Russell, from the beginning of

the session until yesterday, on motion of Mr. Laas.

Mr. Dodd, from the beginning of the session until today, on motion of Mr. Metcalfe.

Mr. Cadenhead, for last Friday and Saturday, on motion of Mr. Terrell.

Mr. McDowra, from the beginning of the session until today, on motion of Mr. Haidusek.

Mr. Richards and Mr. Robertson, from the beginning of the session until yesterday, on motion of Mr. Spradley.

Mr. Lange, from the beginning of the session and indefinitely, on motion of Mr. Spradley.

Mr. Hardey, for last Saturday and Monday, on motion of Mr. Russell.

Mr. McCoy, from the beginning of the session and for today, on motion of Mr. Raiden.

Mr. Clark, from the beginning of the session until tomorrow, on motion of Mr. Cadenhead.

Mr. O'Brien, from the beginning of the session and indefinitely, on motion of Mr. Fitzpatrick.

Mr. Trayler, from the beginning of the session until today, on motion of Mr. Cope.

Mr. Templeton, from the beginning of the session and for today, on motion of Mr. Bell.

Mr. Fairchild, from the beginning of the session until today, on motion of Mr. Cope.

The following members were granted leaves of absence on account of sickness:

Mr. Meador, from the beginning of the session and for today, on motion of Mr. Sentell.

Mr. Taylor, from the beginning of the session and indefinitely, on motion of Mr. Lanier.

Mr. Williams of McLennan, from the beginning of the session and for today, on motion of Mr. Dunnam.

Mr. Nordhaus, from the beginning of the session and indefinitely, on motion of Mr. Thomason of Nacogdoches.

Mr. Terrell, for last Friday and Saturday, on motion of Mr. Cadenhead.

Mr. Jones, from the beginning of the session and indefinitely, on motion of Mr. Terrell.

On motion of Mr. Cope, Bob Barker, Chief Clerk, was excused from the beginning of this session until next Monday, on account of important business.

RESIGNATION OF HON. A. C. HARTMAN.

The Speaker handed to the Clerk and had read the following communication: Governor W. P. Hobby, Austin, Texas.

Dear Governor: I beg to tender my resignation as Representative of the Eighty-first District of Texas, effective immediately.

Yours very truly,

A. C. HARTMAN.

Accepted August 31, 1917.

W. P. HOBBY,

Acting Governor.

Hon. C. J. Bartlett, Secretary of State, Austin, Texas.

Dear Sir: I enclose the resignation of Honorable A. C. Hartman as Representative of the Eighty-first Representative District which has been accepted by Acting Governor Hobby.

Yours sincerely,

JNO. L. WROE,

Secretary to the Governor.

I, C. J. Bartlett, Secretary of State of the State of Texas, do hereby certify that the foregoing is a true and correct copy of the resignation of Honorable A. C. Hartman, Representative of the Eighty-first Representative District, with endorsements thereon, as now appears on file in this Department.

In testimony whereof I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this the 5th day of September, A. D. 1917.

C. J. BARTLETT,

Secretary of State.

PROVIDING FOR EMPLOYEES OF THE HOUSE.

Mr. Cope offered the following resolution:

Resolved, That the Speaker of the House shall appoint the following employees for the Third Called Session of the Thirty-fifth Legislature, to serve for such compensation as may hereafter be provided:

One private secretary to the Speaker, at \$5 per day.

One stenographer for the Speaker, at \$5 per day.

One page for the Speaker, at \$2 per day.

One porter for the Speaker, at \$2 per day.

Two general clerks, at \$5 per day.

One clerk to the Committee on Appropriations, at \$5 per day, who shall

also perform the duties required of the clerk of the Committee on Contingent Expenses, and for said extra duties he shall receive \$2.50 per day.

One clerk to the Sergeant-at-Arms, at \$5 per day.

One page to the Sergeant-at-Arms, at \$2.50 per day.

One porter to the Sergeant-at-Arms, at \$2 per day.

One assistant Sergeant-at-Arms in the gallery, at \$5 per day.

One night watchman, at \$5 per day.

One assistant to Journal Clerk, at \$5 per day.

Fifteen expert stenographers, at \$5 per day (one stenographer for the Committee on Appropriations, at \$5 per day).

Each of said stenographers shall serve as clerks to committees when so directed by the Speaker.

Fifteen pages at \$2 per day.

One messenger to carry papers to the Confederate Home, at \$2.50 per day.

One elevator man, who shall receive \$4 per day.

One man to keep the Library open at night, who shall receive \$4 per day.

All stenographers shall be allowed \$5 per day, and \$6 a month for typewriter rent and typewriter ribbons; provided, they shall not exceed \$3 per month for ribbons, which shall be secured on order of the clerk of the Committee on Contingent Expenses.

Ten porters, who shall perform such duties as are usually required of porters, and who shall be under the direction of the Speaker and Sergeant-at-Arms, at \$2 per day.

Be it further provided, That it shall be the duty of the Speaker, and he is hereby empowered to dispense with the services of any employe when in his judgment said employe is not further needed, or for misconduct; and, further, shall have the power to appoint extra help when in his judgment it is needed.

The duties of employes as herein mentioned shall be such as are usually required of employes of previous Legislatures, and it shall be the duty of stenographers and clerks to assist the members of the House in their correspondence and preparation of bills, etc.

Any of the employes may be excused by the Speaker for cause deemed by him sufficient.

The salary of all employes shall begin when they are instructed to begin work by the Speaker.

Signed—Mendell, Cope.

The resolution was read second time. Mr. Roemer offered the following amendment to the resolution:

Amend the resolution making number of stenographers 20 instead of 15.

Signed—Roemer, Spencer of Wise, Blackmon, Hudspeth, Upchurch, Miller of Dallas, Fairchild, Monday.

Mr. Bertram offered the following substitute for the resolution:

Resolved, That the Speaker of the House shall appoint the following employes for the Third Called Session of the Thirty-fifth Legislature to serve as may hereafter be provided:

One private secretary to Speaker at \$5 per day.

One stenographer for Speaker at \$5 per day.

One page for the Speaker at \$2 per day.

One porter for the Speaker at \$2 per day.

Two general clerks at \$5 per day.

One porter to Sergeant-at-Arms at \$2 per day.

One assistant to Journal Clerk at \$5 per day.

Fifteen expert stenographers, who shall serve as committee clerks when directed, at \$5 per day.

Eleven pages at \$2 per day.

Seven porters at \$2 per day.

One elevator man at \$4 per day.

Mr. Spradley moved to table the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—53.

Beason.	Laas.
Bedell.	Lanier.
Bell.	Lee.
Blackmon.	Low
Bland.	of Washington.
Brown.	McFarland.
Burton of Tarrant.	Mendell.
Cates.	Miller of Austin.
Cope.	Miller of Dallas.
Cox.	Monday.
Davis of Grimes.	O'Banion.
De Bogory.	Peyton.
Denton.	Pillow.
Dunnam.	Richards.
Estes.	Roemer.
Fairchild.	Sallas.
Fisher.	Schlesinger.
Fitzpatrick.	Scholl.
Florer.	Sholars.
Haidusek.	Smith of Bastrop.
Hardey.	Smith of Scurry.
Holland.	Spradley.
Hudspeth.	Terrell.

Thomason of Nacogdoches.	Tschoepe.
Thompson of Hunt.	Upchurch.
Tillotson.	White.
	Williford.
	Woodul.

Nays—33.

Baker.	Raiden.
Beard of Milam.	Reeves.
Bertram.	Russell.
Burton of Rusk.	Sackett.
Butler.	Sentell.
Cadenhead.	Schlosshan.
Davis	Seawright.
of Van Zandt.	Smith of Hopkins.
Harris.	Stewart.
Holaday.	Swope.
Lindemann.	Thompson
McComb.	of Red River.
McDowra.	Tilson.
McMillin.	Tinner.
Metcalfe.	Veatch.
Moore.	Wilson.
Neill.	Yantis.
Osborne.	

Present—Not Voting.

Mr. Speaker.	Johnson.
Bledsoe.	Murrell.
Bryan.	Spencer of Wise.
Fly.	Woods.
Hill.	

Absent.

Bagby.	Nichols.
Beard of Harris.	Peddy.
Blackburn.	Poage.
Bryant.	Pope.
Canales.	Rogers.
Greenwood.	Spencer of Nolan.
Hawkins.	Strayhorn.
Lowe	Thomas.
of McMullen.	Valentine.
Martin.	Wahrmund.
Morris.	Williams
Neeley.	of Brazoria.

Absent—Excused.

Beasley.	Meador.
Blalock.	Nordhaus.
Carlock.	O'Brien.
Clark.	Parks.
Crudgington.	Robertson.
Davis of Dallas.	Taylor.
Dodd.	Templeton.
Dudley.	Thomason
Hartman.	of El Paso.
Jones.	Trayler.
Lacey.	Walker.
Laney.	Williams
Lange.	of McLennan.
McCoy.	

Mr. Lee moved a call of the House for the purpose of maintaining a quorum and the motion was duly seconded.

The Speaker directed the Doorkeeper to close the main entrance to the Hall and permit no member to leave the Hall without written permission from the Chair, and he instructed the Sergeant-at-Arms to lock all other doors leading out of the Hall.

Mr. Smith of Hopkins moved to table the amendment by Mr. Roemer, and the motion to table was lost.

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—42.

Blackmon.	Miller of Dallas.
Brown.	Monday.
Burton of Tarrant.	O'Banion.
Cates.	Pillow.
Cox.	Richards.
De Bogory.	Roemer.
Denton.	Sallas.
Fairchild.	Schlesinger.
Fisher.	Scholl.
Fitzpatrick.	Sholars.
Florer.	Smith of Bastrop.
Haidusek.	Smith of Scurry.
Hardey.	Spradley.
Hill.	Swope.
Hudspeth.	Thompson
Holland.	of Red River.
Laas.	Tillotson.
Lee.	Tschoepe.
Low	Upchurch.
of Washington.	White.
McFarland.	Williford.
Miller of Austin.	Woodul.

Nays—46.

Baker.	Mendell.
Beard of Milam.	Metcalfe.
Beason.	Moore.
Bedell.	Neill.
Bell.	Osborne.
Bertram.	Peyton.
Bland.	Raiden.
Burton of Rusk.	Reeves.
Butler.	Russell.
Cadenhead.	Sackett.
Cope.	Sentell.
Davis of Grimes.	Schlosshan.
Davis	Seawright.
of Van Zandt.	Smith of Hopkins.
Dudley.	Stewart.
Dunnam.	Terrell.
Estes.	Thomason
Harris.	of Nacogdoches.
Holaday.	Thompson
Johnson.	of Hunt.
Jones.	Tilson.
Lanier.	Tinner.
Lindemann.	Veatch.
McComb.	Wilson.
McDowra.	Yantis.

Present—Not Voting.

Mr. Speaker.	McMillin.
Bledsoe.	Murrell.
Bryan.	Spencer of Wise.
Fly.	Woods.

Absent.

Bagby.	Peddy.
Beard of Harris.	Poage.
Blackburn.	Pope.
Bryant.	Rogers.
Canales.	Spencer of Nolan.
Greenwood.	Strayhorn.
Hawkins.	Thomas.
Lowe	Thomason
of McMullen.	of El Paso.
Martin.	Valentine.
Morris.	Wahrmund.
Neeley.	Williams
Nichols.	of Brazoria.

Absent—Excused.

Beasley.	Meador.
Blalock.	Nordhaus.
Carlock.	O'Brien.
Clark.	Parks.
Crudgington.	Robertson.
Davis of Dallas.	Taylor.
Dodd.	Templeton.
Hartman.	Traylor.
Lacey.	Walker.
Laney.	Williams
Lange.	of McLennan.
McCoy.	

Mr. Smith of Hopkins moved to reconsider the vote by which the amendment was lost and to table the motion to reconsider.

The motion to table prevailed.

Mr. Peyton offered the following amendment to the resolution:

Strike out one stenographer for Committee on Appropriations.

The amendment was adopted.

Mr. Cadenhead offered the following amendment to the resolution:

Amend the resolution by striking out "one assistant Sergeant-at-Arms for the gallery at \$5 per day."

On motion of Mr. Spradley, the amendment was tabled.

Mr. Miller of Dallas offered the following amendment to the resolution.

Amend by making the salary of porter to Sergeant-at-Arms \$2.50 per day.

The amendment was adopted.

Question then recurring on the resolution as amended, it was adopted.

Mr. Cope moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

TO NOTIFY THE GOVERNOR AND SENATE.

Mr. Mendell offered the following resolution:

Resolved, That the Speaker be instructed to appoint two committees of three members each, one to notify the Acting Governor and one to notify the Senate that the House has organized and is ready for business.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committees:

To notify the Acting Governor: Messrs. Pillow, Terrell and Denton.

To notify the Senate: Messrs. Mendell, Sackett and Miller of Austin.

APPOINTMENT OF EMPLOYES ANNOUNCED.

The Speaker announced the appointment of the following employes of the House:

Secretary to Speaker, Read Granberry.
Stenographer to Speaker, Mrs. Kate Brunner.

Porter to Speaker, General Jackson.

Page to Speaker, Mike Davis.

Clerk for Committee on Appropriations and Committee on Contingent Expense, H. B. Savage.

Clerk to Sergeant-at-Arms, John Jacobs.

Porter to Sergeant-at-Arms, Joe Johnson.

Page to Sergeant-at-Arms, Ted Whitlock.

Assistant Sergeant-at-Arms in gallery, H. T. Dunnaway.

Night watchman, Carl Voorheis.

Assistant Journal Clerk, Jimmie Evans.

Elevator man, G. A. Proctor.

Night clerk for library, Fred Clark.

Porters: John Merriweather, Charlie Jackson, Geo. Nobles, James Bedford, T. W. Williams, Tom White, Wilson Hall, John Baggett, Isaac Edmonds, Nat Isaacs.

PROVIDING DAILY NEWSPAPERS FOR MEMBERS.

Mr. Spradley offered the following resolution:

Resolved, That each member of the House be allowed to subscribe for three daily newspapers of his own selection, upon list to be furnished by each member to the clerk of the Committee on Contingent Expenses, and that the cost

of said papers be paid out of the contingent expense fund.

Signed—Spradley, Cope, Holaday, Fairchild, Fitzpatrick, Swope, Monday.

The resolution was read second time.

Mr. Tillotson moved to table the resolution, and the motion to table was lost.

Mr. Schlosshan offered the following substitute for the resolution:

Resolved by the House of Representatives, That each member of said House, be permitted to subscribe for one (1) daily newspaper, of his choice, for the duration of the Third Called Session, and the subscription price to be paid out of the contingent expense account of the House.

Mr. Spradley moved the previous question on the resolution and the substitute, and the main question was ordered.

Question first recurring on the substitute, it was lost.

Question then recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—57.

Baker.	Miller of Austin.
Beason.	Monday.
Blackmon.	Neill
Bland.	O'Banion.
Burton of Tarrant.	Pillow.
Butler.	Reeves.
Cates.	Roemer
Cope.	Russell.
Cox.	Sackett.
Davis of Grimes.	Sentell.
Denton.	Schlesinger
Dunnam.	Scholl.
Estes.	Smith of Bastrop.
Fairchild.	Smith of Scurry.
Fisher.	Spradley.
Fitzpatrick.	Swope.
Florer.	Thomason
Hardey.	of Nacogdoches.
Hill.	Thompson
Holaday	of Hunt.
Holland.	Thompson
Hudspeth.	of Red River.
Johnson.	Tschoepe.
Lee.	Upchurch.
Low	Veatch.
of Washington.	White
McComb.	Williford.
McDowra.	Wilson.
McFarland	Woodul.
Mendell.	Yantis.
Metcalfe.	

Nays—33.

Beard of Milam.	Bell.
Bedell.	Bertram.

Bledsoe.	Moore.
Brown.	Osborne.
Burton of Rusk.	Peyton
Cadenhead	Raiden.
Davis	Richards.
of Van Zandt.	Sallas.
De Bogory.	Schlosshan.
Dudley.	Seawright.
Fly.	Sholars.
Haidusek.	Smith of Hopkins.
Harris.	Stewart.
Laas.	Terrell.
Lanier	Tillotson.
Lindemann.	Tilson.
Miller of Dallas.	Tinner.

Present—Not Voting.

Mr. Speaker.	Murrell.
Bryan.	Spencer of Wise.
McMillin.	Woods.

Absent.

Bagby.	Nichols
Beard of Harris.	Nordhaus.
Blackburn.	Peddy.
Bryant.	Poage.
Canales.	Pope
Clark.	Rogers
Greenwood.	Spencer of Nolan.
Hawkins.	Strayhorn.
Lowe	Thomas.
of McMullen.	Valentine.
Martin.	Wahrmund.
Morris.	Williams
Neeley.	of Brazoria.

Absent—Excused.

Beasley.	Meador.
Blalock.	O'Brien.
Carlock.	Parks.
Crudgington.	Robertson
Davis of Dallas	Taylor.
Dodd.	Templeton.
Hartman.	Thomason
Jones.	of El Paso.
Lacey.	Traylor.
Laney.	Walker.
Lange.	Williams
McCoy.	of McLennan.

Mr. Cope moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

ACTING GOVERNOR NOTIFIED.

The committee appointed to notify the Acting Governor that the House is organized and is now ready for the transaction of business appeared at the bar of the House and, being duly announced, reported that they had performed the duty assigned them.

MESSAGES FROM THE ACTING GOVERNOR.

Mr. S. R. Brooks, secretary to the Acting Governor, appeared at the bar of the House and, being duly announced, presented the following messages from the Acting Governor, which were read to the House:

Governor's Office.

To the Legislature of the State of Texas:

Called temporarily to the performance of those duties that pertain to the Governor's office, I have submitted or will submit for the consideration of your body the subjects which were pending at adjournment of the Second Called Session of the Thirty-fifth Legislature; and I have convened your body at such time as will permit, with the least interruption, a final disposition of those matters.

It is not necessary, therefore, for me, at this time, to encumber your duties with more than is contained in the proclamation setting forth the occasion for this extraordinary session.

Respectfully submitted,
W. P. HOBBY,
Acting Governor.

Governor's Office.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for your consideration the following subject:

The enactment of a special road law for Cass county; amending the law passed at the Regular Session of the Thirty-fifth Legislature, the same being an act to create a more efficient road law for Cass county.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.

To the Thirty-fifth Legislature in Third Called Session:

On May 24, 1917, this office was informed by the honorable Secretary of the Department of Commerce at Washington, D. C., that he had been obliged "to close the fish cultural station at San Marcos, Texas, because of the failure of the State to meet the conditions imposed by Congress. These conditions are:

"1. That the State shall afford proper protection to the fishes cultivated; and

"2. That the Commissioner of Fisheries and his duly authorized agent shall be accorded the right to conduct fish cultural work and all operations connected therewith in such manner and at such times as they may regard as necessary and proper."

I deem it proper to call your attention to this matter at this time in the hope that appropriate legislation may be passed which will remedy the alleged existing handicaps about which the Department of Commerce seems to have had occasion to complain.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for your consideration the following subject:

Amendment of Article 303, Revised Penal Code of 1911, providing that this act shall not apply to the sale of gasoline or motor oils or accessories on Sunday.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your body the following subject:

Enactment of a law to provide for the creation of home guards, under the direction of the sheriff of the county, without cost to the State, and when a state of war exists between the United States and another nation; providing for the regulation of such home guard, and granting the right to counties, cities and towns to appropriate money to provide arms and ammunition for such home guard, and providing an emergency.

I am in receipt of petitions and requests from citizens of various portions of Texas, particularly in the county of Harris, setting forth the necessity for such organizations, to the end that while the country is engaged in war, there may be additional safeguards for the protection of the lives and properties of the citizens, and for the better maintenance of peace and order throughout the State.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for your consideration the following subject:

Amendment of Chapter 181, General Laws, enacted at the Regular Session of the Thirty-fifth Legislature, establishing "standard containers" and "standard packs" and "grades" for fruits and vegetables to regulate shipments and marking of "culls."

Respectfully submitted,

W. P. HOBBY,

Acting Governor of Texas.

PROVIDING FOR INVESTIGATING COMMITTEE.

Mr. Fly offered the following resolution:

Whereas, Virtually the Second Called Session of the Thirty-fifth Legislature was consumed in impeachment proceedings against the Governor of this State, out of which articles of impeachment have been preferred to the Senate; and

Whereas, The greater portion of the called session will in all probability, at least on the part of the Senate, be devoted to the trial of said articles of impeachment, thus rendering the passage of any general legislation extremely improbable; and

Whereas, There has arisen and now exists a public suspicion, indeed in some instances, solemn charges have been made that in certain departments and institutions of this State there are irregularities, unlawful practices and violations of those fundamental principles which must be preserved as the foundation of our government and remain the basis of the public policies of this State; therefore

Resolved, That looking to the prompt correction of any and all irregular practices, unlawful acts or dereliction in the performance of duty, as well as the exoneration of the guiltless, it is the sense of this House that the necessary steps should be promptly taken looking to the thorough and complete investigation of each and every department of our State Government, and each and all of our State institutions, and to the end that this be done systematically and in the most thorough manner, a committee of seven shall be appointed whose duty it shall be to formulate and report at as early an hour as possible back to this House, a mode of procedure in the carrying out of the above declaration as to investigations.

Signed—Fly, Bryan, Woods, Bertram, McComb, Thompson of Hunt, Haidusek, Seawright, Tilson, Smith of Bastrop, Raiden.

The resolution was read second time and was adopted.

INDORSING THE TILLMAN BILL.

Mr. Richards offered the following resolution:

Whereas, There is now pending in the Congress of the United States a bill known as the Tillman bill, which is an Act to pension Confederate soldiers; and

Whereas, The noble-hearted soldiers of the Civil War who wore the blue and those who wore the gray, recently, in the city of Washington in convention assembled declared that the time is now opportune to provide for the care and maintenance of those who adorned the gray as well as those who wore the blue—the latter now and for many years being pensioned by this government; and,

Whereas, The current session of the Congress is now drawing to a close, and this bill having passed the Senate and is now pending in the House, and should be passed at this session, at the very latest; therefore, be it

Resolved, That the House of Representatives of Texas hereby endorses said Tillman bill and here and now requests the members of the Congress from Texas to ardently support said bill to speedily secure its passage.

Signed—Richards, Fairchild, Cope.

The resolution was read second time.

Mr. Tillotson moved to table the resolution, and the motion to table was lost.

Question then recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—69.

Mr. Speaker.

Baker.

Bedell.

Bell.

Bertram.

Blackmon.

Brown.

Bryant.

Burton of Rusk.

Burton of Tarrant.

Butler.

Cadenhead

Cates.

Cope.

Davis of Grimes.

De Bogory

Dudley.

Estes.

Fairchild.

Fisher.

Fitzpatrick.

Florer.

Hill.

Holaday.

Holland.

Hudspeth.

Johnson.

Laas.

Lanier	Schlesinger.
Lee.	Schlosshan.
Lindemann.	Scholl.
McDowra.	Smith of Hopkins.
McFarland.	Spencer of Wise.
Mendell.	Stewart.
Metcalfe.	Terrell.
Miller of Austin.	Thomason
Monday.	of Nacogdoches.
Murrell.	Thompson
Neill.	of Red River.
O'Banion	Tilson.
Osborne.	Tinner.
Peyton.	Tschoepe.
Pillow.	Upchurch.
Raiden.	Veatch.
Reeves.	White.
Richards.	Williams
Roemer.	Williford.
Russell.	Wilson.
Sallas.	Woodul
Sentell.	Yantis.

Nays—18.

Beard of Milam.	Low
Beason.	of Washington.
Bland.	Miller of Dallas.
Cox.	Seawright.
Davis	Sholars.
of Van Zandt.	Smith of Bastrop.
Denton.	Smith of Scurry.
Dunnam.	Thompson
Fly.	of Hunt.
Hardey	Tillotson.
Harris.	

Present—Not Voting.

Bledsoe.	Sackett.
Bryan.	Spradley
McComb.	Swope.
McMillin.	Woods.

Absent.

Bagby.	Peddy
Beard of Harris	Poage.
Blackburn.	Pope.
Canales.	Rogers.
Greenwood.	Spencer of Nolan.
Haidusek.	Strayhorn.
Hawkins.	Thomas.
Lowe	Thomason
of McMullen.	of El Paso.
Martin.	Valentine.
Moore	Wahrmund.
Morris.	Williams
Neeley.	of Brazoria.
Nichols.	

Absent—Excused.

Beasley.	Hartman.
Blalock.	Jones.
Carlock.	Lacey.
Clark.	Laney.
Crudgington.	Lange.
Davis of Dallas.	McCoy.
Dodd.	Meador.

Nordhaus.	Templeton.
O'Brien.	Traylor.
Parks.	Walker.
Robertson.	Williams
Taylor.	of McLennan.

Reason for Vote.

I have voted "nay" upon the resolution adopted by the House endorsing the Tillman bill offered by Fairchild and Richards, for the following reasons, among others that might be given:

1. The memory of the bravery, chivalry and independence of the Confederate soldier is a fondly cherished heritage among his descendants, and I would not exchange it for any pecuniary consideration that could be named.

2. Texas has generously made provision for needy ex-Confederates and their widows living within our State, and this she has done spontaneously as a matter of State pride, and that without their asking.

3. I do not know the wishes of the ex-Confederates who are among my constituents as to the bill in question, and am not willing to assume to act for them in endorsing the said bill in the absence of such knowledge.

4. I have no objection to the granting of the proposed pension by the Federal government, but believe that all true ex-Confederates would prefer that such assistance, if to be extended, should be offered them spontaneously, and without the asking on their part, or that of their descendants.

THOMPSON of Hunt.

Mr. Richards moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

SENATE NOTIFIED.

The committee appointed to notify the Senate that the House is organized and ready for the transaction of business appeared at the bar of the House and, being duly announced, reported that they had performed the duty assigned them.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 5, 1917.
Hon. F. O. Fuller, Speaker of the House of Representatives.
Sir: I am directed by the Senate to

inform the House that the Senate has passed:

S. B. No. 4, A bill to be entitled "An Act making an appropriation of \$25,000, or so much thereof as may be necessary, to pay the contingent expenses of the Third Called Session of the Thirty-fifth Legislature, and declaring an emergency."

S. B. No. 5, A bill to be entitled "An Act appropriating \$65,000, or so much thereof as may be necessary, to pay the mileage and per diem of members, and the salaries and per diem of officers and employes of the Third Called Session of the Thirty-fifth Legislature, and declaring an emergency."

Respectfully,

G. H. BOYNTON,

Assistant Secretary of the Senate.

PROVIDING FOR UNITED STATES FLAG.

Mr. Metcalfe offered the following resolution:

Whereas, The House of Representatives now has no United States flag flying in the Hall; be it

Resolved, That the Sergeant-at-Arms be instructed to purchase a United States flag about 6x10 feet, and drape it on the wall behind the Speaker's desk.

Signed—Metcalfe, Woods, Fairchild, Blackmon, Scholl.

The resolution was read second time and was adopted.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to appropriate committees, as follows:

By Mr. Tillotson, Mr. Lange, Mr. Scholl and Mr. Miller of Austin:

H. B. No. 1, A bill to be entitled "An Act to prevent the introduction into the State of Texas of the destructive cotton pest known as the pink boll worm, and to control and eradicate such insect pest in the event its presence in this State is discovered; creating a zone along the boundary between the State of Texas and the Republic of Mexico, from which it shall be unlawful to transport cotton and cotton products, except conditionally; providing for the inspection of fields of cotton and for the inspection and general control of cotton and cotton products produced in an inspection zone:

and to provide for the quarantine and control of any territory within the State in which the pink boll worm may be found; providing for an appropriation, and creating an emergency."

Referred to Committee on Agriculture.

By Mr. Fitzpatrick and Mr. Dunnam:

H. B. No. 2, A bill to be entitled "An Act to amend Articles 1867 and 1868 of the Revised Civil Statutes of the State of Texas and to repeal all laws in conflict therewith by providing that a defendant who is in the service of the United States as a soldier shall not be required to answer to the merits of a demand sued upon during the time he is actively engaged as a soldier in the war between the United States and the imperial government of Germany, and providing that he shall be required to answer to the merits of such suit within ninety days from the date of the signing of a treaty of peace between the United States and the imperial government of Germany; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Mr. Fitzpatrick and Mr. Dunnam:

H. B. No. 3, A bill to be entitled "An Act providing that in case of sales of real property of soldiers or sailors serving in the armies or navies of the United States who are in war with Germany, by virtue or deeds of trust or mortgages, where such sales are made without foreclosure suits, that before the execution of any conveyance or delivery of the property there shall first be filed a suit for the confirmation of the sales and for authority to make conveyance and delivery of the property, declaring how service shall be had in such suits and the law applicable thereto, and providing for confirmation of such sales, and declaring an emergency."

Referred to Committee on Civil Procedure.

By Mr. Bell:

H. B. No. 4, A bill to be entitled "An Act authorizing counties acting through their commissioners courts to purchase seeds to be planted on farms in such counties by residents thereof who are poor and unable to procure same and to purchase feed for the work stock of such residents, and prescribing the terms and conditions, rules and regulations by which such seeds and

feed will be furnished said residents of the counties who are poor and unable to procure the same, and prescribing the amount thereof which may be furnished; authorizing counties to use their general funds for this purpose, where they have such funds; authorizing them to issue warrants against such funds if such counties will have the same when the taxes for the year 1918 are collected; authorizing counties of the State to issue bonds under Title 18, Chapter 1, of the Revised Civil Statutes for the purpose of obtaining funds to be used as aforesaid; prescribing when the commissioners court shall submit the question for the issuance of bonds, the limitations thereof, and making the title and chapter above mentioned applicable to this act; providing how the proceeds of such bonds shall be handled; conferring certain powers and prescribing certain duties relative to administration of this act on the commissioners courts and the county clerks of the various counties of the State; defining the terms of the application and the contract by which residents of the counties acting within the purview of this act may obtain seed and feed thereunder, and providing for the payment thereof by such persons; conferring certain powers and authority upon the county treasurer and the county attorney relative to the administration of this act; providing the terms and conditions upon which the State will advance certain amounts to the various counties of the State to augment the funds provided for the purchase of seeds and feed, and the distribution of the same hereunder; stating the percentage of the amount which the State will advance, and the terms and conditions thereof; prescribing certain duties for the Commissioner of Agriculture, the State Treasurer, the Comptroller of Public Accounts, and the Attorney General of the State of Texas, relative to the administration of this act; providing for the repayment to the State of funds advanced by it; defining and creating certain offenses for violations of the terms of this act, and providing punishment therefor; stating when operation may be commenced under this act and when the distribution of seed and feed hereunder shall cease; making an appropriation for carrying out the purposes of this act in the sum of five thousand (\$5000) dollars, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Nordhaus and Mr. Miller of Austin:

H. B. No. 5, A bill to be entitled "An Act to amend Chapter 105 of the Acts of the Regular Session of the Twenty-ninth Legislature, which is entitled 'An Act to prevent the diversion of electric current, water or gas from passing through any meter, and prevent any electric, water or gas meter by any manner or means from registering the total amount of current of electricity, water or gas that passes through it, and to prevent the diversion from any wire of electric current, water or gas, of any person, corporation or company engaged in the manufacture or distribution of electricity, water or gas, for lighting, power or other purposes; and to prevent the retaining of or refusing to deliver any meters, lamps or other appliances which may have been loaned or supplied for furnishing electricity, water or gas; and to prescribe a penalty for the violation thereof'; so amending said chapter as to make the presence on or about such meters, wires and pipes, of any device for the diversion of electric current, water or gas, or for the prevention of the proper action, or registration of the meter prima facie evidence of intention on the part of the user to defraud, within the scope of such chapter, and so amending said act as to effect more fully the purpose thereof, and to repeal all laws in conflict herewith."

Referred to Committee on Criminal Jurisprudence.

By Mr. Fisher, Mr. Holland, Mr. Swope and Mr. Fly:

H. B. No. 6, A bill to be entitled "An Act to provide for the creation of home guards under the direction of the sheriff of the county; providing for the regulation of such home guards, and granting the right of counties, cities and towns to appropriate money to provide arms and ammunition for such home guard, and providing an emergency."

Referred to Committee on Military Affairs.

By Mr. Metcalfe and Mr. Scholl:

H. B. No. 7, A bill to be entitled "An Act to further regulate the conducting of fish hatcheries and the propagation of fish in the State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 146 of the Acts of the

Thirty-third Legislature, providing for the distribution by State Fish Hatcheries of fish to private persons; providing for Game, Fish and Oyster Commissioner of the State of Texas, as well as the United States Commissioner of Fisheries, or their duly authorized agents may take or catch brood fish from the public fresh waters of this State for the purpose of propagation according to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper; providing for a closed season on crappie, bass or catfish; and prescribing the size of fish that may be taken; providing a penalty for a violation of this statute, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Terrell, Mr. Smith of Hopkins, Mr. Bedell, Mr. Laney, Mr. Denton and Mr. Lee:

H. B. No. 8, A bill to be entitled "An Act to amend Sections 1, 2 and 8, of Chapter 181, General Laws, enacted at the Regular Session of the Thirty-fifth Legislature, establishing 'standard containers' and 'standard packs and grades' for fruits and vegetables, and to add thereto Section 2a, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Tinner:

H. B. No. 9, A bill to be entitled "An Act amending Article 303, Revised Penal Code of Texas, 1911, providing limitations and exceptions upon and to the provisions of Article 302, Revised Penal Code, relating to selling, etc., on Sunday, so as to exempt from the provisions of Article 302, Penal Code, 1911, the selling, etc., of gasoline, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Lanier:

H. B. No. 10, A bill to be entitled "An Act to amend the special road law of Cass county, Texas, enacted by the Regular Session of the Thirty-fifth Legislature, 1917, which became effective June 2, 1917, same being an act to create a more efficient road law for Cass county; making the county com-

missioners ex-officio road supervisors, defining their duties and fixing their salaries; 'An Act to create a more efficient road system for Cass county, Texas, and defining the powers and duties of the commissioners court of said county relative to roads and bridges of said county, and making county commissioners of said county ex-officio road supervisors of their respective districts, etc., and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

SENATE BILLS ON FIRST READING.

Senate bills Nos. 4 and 5, received from the Senate today, were laid before the House, read first time, and referred to the Committee on Appropriations.

RECESS.

On motion of Mr. Miller of Dallas, the House, at 12:15 o'clock p. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Mendell, it was ordered that Senate bills Nos. 4 and 5 be not printed.

PROVIDING POSTAGE FOR MEMBERS.

Mr. Bertram offered the following resolution:

Resolved, That each member be allowed \$5 in stamps during the Third Called Session of the Thirty-fifth Legislature to be paid out of the contingent expenses fund.

The resolution was read second time and was adopted.

Mr. Miller of Dallas moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

RELATING TO LOCATION OF AGRICULTURAL AND MECHANICAL COLLEGES.

Mr. Tillotson offered the following resolution:

Whereas, The Thirty-fifth Legislature

at the Regular Session passed an act providing for the establishment of a school to be known as the West Texas Agricultural and Mechanical College, for white male students, and declared to be "a branch of the Agricultural and Mechanical College of Texas"; and also passed an act for the establishment of a school to be known as the Northeast Texas Agricultural and Mechanical College, and declared to be a junior college of the said Agricultural and Mechanical College of Texas; and

Whereas, Each of the two said institutions created by the Thirty-fifth Legislature are designated as branches of the Agricultural and Mechanical College of Texas located in Brazos county, and placed under the general supervisory control of the Board of Directors of the said college; and

Whereas, Suit has been brought to restrain the Board of Directors of the said Agricultural and Mechanical College of Texas from performing any act necessary to the establishment and equipment of the said West Texas Agricultural and Mechanical College; and

Whereas, Such action enjoining the said Directors of the Agricultural and Mechanical College of Texas from taking steps to provide for the establishment of the said West Texas Agricultural and Mechanical College does not raise the question of the constitutionality of the act of the Legislature creating such new Agricultural and Mechanical schools as branches of the Agricultural and Mechanical College of Texas, located in Brazos county; and

Whereas, The bill authorizing the establishment of the Northeast Texas Agricultural and Mechanical College, carrying an appropriation of \$250,000, provides for a locating committee which committee has performed no service devolved upon it by the act, and no action has been taken to comply with the provisions of the bill; and

Whereas, The Constitution of 1876 is specific in its designation of the Agricultural and Mechanical College of Texas, located in Brazos county by vote of the people in pursuance of an Act of the Legislature of 1871, as the branch of the University of Texas, as provided in Section 10 of Article 7; and this specific expression and designation would appear conclusive that no other or additional agricultural college may be created by the Legislature as a branch of the University of Texas, or as a branch of the Agricultural and Me-

chanical College of Texas, without further express constitutional authority, as mentioned in the constitution of the Agricultural and Mechanical College in Brazos county as the branch of the University of Texas, would seem to exclude the theory that another similar institution, or that even a branch of such institution, could be created by the Legislature at this time; and further, that a reading of the Constitution seems conclusive of the fact that even though the Legislature should undertake to establish such institutions, it has no constitutional authority to make appropriations for the maintenance and support of such institutions; therefore be it

Resolved by the House of Representatives of the Legislature of Texas, That the Honorable Attorney General of Texas be requested to submit to the House an opinion upon the constitutional authority of the Legislature to provide by statute for the establishment, and for the maintenance and support of agricultural and mechanical colleges as branches of the Agricultural and Mechanical College of Texas, as it was attempted to do in the acts of the Thirty-fifth Legislature at its Regular Session in passing what is known as the West Texas Agricultural and Mechanical College bill, and the Northeast Texas Agricultural and Mechanical College bill; or to establish, maintain and support such schools or colleges as branches of the University of Texas.

The resolution was read second time.

Mr. Miller of Dallas moved to refer the resolution to the Judiciary Committee, and the motion to refer was lost.

Question then recurring on the resolution, it was adopted.

Mr. Tillotson moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

Mr. Lee moved a call of the House for the purpose of maintaining a quorum and the motion was duly seconded.

The Speaker directed the Doorkeeper to close the main entrance to the Hall and permit no member to leave the Hall without written permission from the Chair, and he instructed the Sergeant-at-Arms to lock all other doors leading out of the Hall.

(Mr. Yantis in the chair.)

Question first recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—60.

Baker.	Neill.
Beard of Milam.	Nordhaus.
Bedell.	O'Banion.
Bertram.	O'Brien.
Blackmon.	Osborne.
Brown.	Peyton.
Bryant.	Pillow.
Burton of Rusk.	Raiden.
Burton of Tarrant.	Reeves.
Butler.	Richards.
Cadenhead.	Roemer.
Cates.	Russell.
Cox.	Sentell.
Davis of Grimes.	Schlesinger.
Davis	Schlosshan.
of Van Zandt.	Scholl.
Dunnam.	Seawright.
Fairchild.	Sholars.
Fly.	Smith of Bastrop.
Hardey.	Smith of Hopkins.
Harris.	Spradley.
Holaday.	Stewart.
Holland.	Thompson
Laas.	of Hunt.
Lanier.	Tillotson.
Lee.	Tilson.
Lindemann.	Tschoepe.
McComb.	Veatch.
McDowra.	Williford.
McFarland.	Wilson.
Monday.	Yantis.

Nays—27.

Bell.	Metcalfe.
Bland.	Miller of Austin.
Cope.	Miller of Dallas.
De Bogory.	Moore.
Denton.	Morris.
Dudley.	Sallas.
Estes.	Smith of Scurry.
Fisher.	Terrell.
Fitzpatrick.	Thomason
Haidusek.	of Nacogdoches.
Hill.	Thompson
Hudspeth.	of Red River.
Low	Tinner.
of Washington.	Upchurch.
Mendell.	White.

Present—Not Voting.

Mr. Speaker.	Sackett.
Bledsoe.	Spencer of Wise.
Bryan.	Swope.
McMillin.	Woods.
Murrell.	

Absent.

Bagby.	Canales.
Beard of Harris.	Florer.
Beason.	Greenwood.
Blackburn.	Hawkins.

Johnson.	Rogers.
Lowe	Spencer of Nolan.
of McMullen.	Strayhorn.
McCoy.	Thomas.
Martin.	Valentine.
Neeley.	Wahrmund.
Nichols.	Williams
Peddy.	of Brazoria.
Poage.	Woodul.
Pope.	

Absent—Excused.

Beasley.	Meador.
Blalock.	Parks.
Carlock.	Robertson.
Clark.	Taylor.
Crudgington.	Templeton.
Davis of Dallas.	Thomason
Dodd.	of El Paso.
Hartman.	Traylor.
Jones.	Walker.
Lacey.	Williams
Laney.	of McLennan.
Lange.	

HOUSE NOTIFIED.

A committee from the Senate appeared at the bar of the House and, being duly announced, reported that the Senate is organized and is ready for the transaction of business.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 5, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 1, Adopting the Joint Rules of the Second Called Session of the Thirty-fifth Legislature as the Joint Rules of the Third Called Session.

Respectfully,

G. H. BOYNTON,

Assistant Secretary of the Senate.

(Speaker in the chair.)

ADDITION TO STANDING COMMITTEE.

The Speaker announced the appointment of Mr. Fitzpatrick as a member of the Committee on Military Affairs.

COMMITTEE TO ARRANGE PROCEDURE FOR INVESTIGATION.

The Speaker announced the appointment of the following committee to arrange procedure on investigation of the various State departments and institutions:

Messrs. Fly, Bryant, Smith of Bastrop, Dudley, Seawright, Sackett, Cope and Pillow.

APPOINTMENTS OF STENOGRAPHERS.

The Speaker announced the appointment of the following stenographers:

Helen Crowell, Linda Word, Virginia Turner, Winnie Warren, Ella Mac Cameron, Adele Whittle, Maude McDaniel, Elizabeth Martin, Katie Hill, Lena Roberts, Jane Smith, Stewart Rawls, Mrs. A. E. Turner, Bernice Brice, Ethel Gillett.

APPOINTMENT OF PAGES.

The Speaker announced the appointment of the following pages:

Aaron Cole, J. B. Cagle, John Whatley, Cecil Porter, Jessie Wilson, H. P. Depew, Stanley Hornsby, Chas. B. White, John Graham, Rudolph Kunetke, Sam Delaney, Willie Hemphill, Harold Beasley.

SENATE BILL NO. 4 ON SECOND READING.

Mr. O'Banion moved to suspend the constitutional rule requiring bills to be read on three several days in each House, and that Senate bill No. 4 be placed on its second and third readings and final passage.

The motion prevailed by the following vote:

Yeas—84.

Mr. Speaker.	Fairchild.
Baker.	Fisher.
Beard of Milam.	Fitzpatrick.
Beason.	Hardey.
Bedell.	Hill.
Bell.	Holaday.
Bertram.	Holland.
Blackmon.	Hudspeth.
Bland.	Laas.
Bledsoe.	Lanier.
Brown.	Lee.
Burton of Rusk.	Lindemann.
Butler.	McComb.
Cadenhead.	McDowra.
Cates.	McFarland.
Cope.	Mendell.
Cox.	Metcalf.
Davis of Grimes.	Miller of Austin.
Davis of Van Zandt.	Miller of Dallas.
De Bogory.	Monday.
Denton.	Neill.
Dudley.	Nordhaus.
Dunnam.	O'Banion.
Estes.	Osborne.
	Peyton.

Pillow.	Swope.
Raiden.	Terrell.
Reeves.	Thomason
Richards.	of Nacogdoches.
Roemer.	Thompson
Russell.	of Hunt.
Sackett.	Thompson
Sallas.	of Red River.
Sentell.	Tillotson.
Schlesinger.	Tilson.
Schlosshan.	Tinner.
Scholl.	Tschoepe.
Seawright.	Upchurch.
Sholars.	Ventch.
Smith of Bastrop.	White.
Smith of Hopkins.	Williford.
Smith of Scurry.	Wilson.
Spradley.	Woodul.
Stewart.	Yantis.

Nays—2.

Harris.

Moore.

Present—Not Voting.

Bryan.

McMillin.

Bryant.

Murrell.

Fly.

Spencer of Wise.

Haidusek.

Woods.

Low

of Washington.

Absent.

Bagby.

Neeley.

Beard of Harris.

Nichols.

Blackburn.

Peddy.

Burton of Tarrant.

Poage.

Canales.

Pope.

Floer.

Rogers.

Greenwood.

Spencer of Nolan.

Hartman.

Strayhorn.

Hawkins.

Thomas.

Johnson.

Valentine.

Lowe

Wahrmund.

of McMullen.

Williams

Martin.

of Brazoria.

Morris.

Absent—Excused.

Beasley.

Meador.

Blalock.

O'Brien.

Carlock.

Parks.

Clark.

Robertson.

Crudgington.

Taylor.

Davis of Dallas.

Templeton.

Dodd.

Thomason

Jones.

of El Paso.

Lacey.

Traylor.

Laney.

Walker.

Lange.

Williams

McCoy.

of McLennan.

The Speaker then laid before the House, on its second reading,

S. B. No. 4, A bill to be entitled "An Act making an appropriation of the sum of twenty-five thousand dollars,

or so much thereof as may be necessary, to pay the contingent expenses of the Third Called Session of the Thirty-fifth Legislature of the State of Texas, convened on August 31, 1917, by proclamation of the Acting Governor; providing how accounts may be approved, and declaring an emergency."

The bill was read second time and was passed to a third reading.

SENATE BILL NO. 4 ON THIRD READING.

The Speaker then laid Senate bill No. 4 before the House on its third reading and final passage.

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—87.

Mr. Speaker.	McFarland.
Baker.	Mendell.
Beard of Milam.	Metcalf.
Beason.	Miller of Austin.
Bedell.	Miller of Dallas.
Bell.	Monday.
Bertram.	Moore.
Blackmon.	Neill.
Bland.	Nordhaus.
Brown.	O'Banion.
Bryant.	Osborne.
Burton of Rusk.	Peyton.
Burton of Tarrant.	Pillow.
Butler.	Raiden.
Cadenhead.	Reeves.
Cates.	Richards.
Cope.	Roemer.
Cox.	Russell.
Davis of Grimes.	Sackett.
Davis	Sallas.
of Van Zandt.	Sentell.
De Bogory.	Schlesinger.
Denton.	Schlosshan.
Dudley.	Scholl.
Dunnam.	Seawright.
Estes.	Smith of Bastrop.
Fairchild.	Smith of Hopkins.
Fisher.	Smith of Scurry.
Fitzpatrick.	Spradley.
Haidusek.	Stewart.
Hardey.	Swope.
Harris.	Terrell.
Hill.	Thomason
Holland.	of Nacogdoches.
Hudspeth.	Thompson
Laas.	of Hunt.
Lanier.	Tillotson.
Lee.	Tilson.
Lindemann.	Tinner.
Low	Tschoepe.
of Washington.	Upchurch.
McComb.	Veatch.
McDowra.	White.

Williford.
Wilson.

Woodul.
Yantis.

Present—Not Voting.

Bledsoe.
Bryan.
Fly.
McMillin.

Murrell.
Sholars.
Spencer of Wise.
Woods.

Absent.

Bagby.
Beard of Harris.
Blackburn.
Canales.
Florer.
Greenwood.
Hawkins.
Holaday.
Johnson.
Lowe
of McMullen.
Martin.
Morris.
Neeley.

Nichols.
Peddy.
Poage.
Pope.
Rogers.
Spencer of Nolan.
Strayhorn.
Thomas.
Thompson
of Red River.
Valentine.
Wahrmond.
Williams
of Brazoria.

Absent—Excused.

Beasley.
Blalock.
Carlock.
Clark.
Crudgington.
Davis of Dallas.
Dodd.
Hartman.
Jones.
Lacey.
Laney.
Lange.
McCoy.

Meador.
O'Brien.
Parks.
Robertson.
Taylor.
Templeton.
Thomason
of El Pasb.
Traylor.
Walker.
Williams
of McLennan.

SENATE BILL NO. 5 ON SECOND READING.

Mr. O'Banion moved to suspend the constitutional rule requiring bills to be read on three several days in each House, and that Senate bill No. 5 be placed on its second and third readings and final passage.

The motion prevailed by the following vote:

Yeas—90.

Baker.
Beard of Milam.
Beason.
Bedell.
Bell.
Bertram.
Blackmon.
Bland.
Brown.
Bryant.
Burton of Rusk.
Burton of Tarrant.

Butler.
Cadenhead.
Cates.
Cope.
Cox.
Davis of Grimes.
Davis
of Van Zandt.
De Bogory.
Denton.
Dudley.
Dunnam.

Estes.	Richards.
Fairchild.	Roemer.
Fisher.	Russell.
Fitzpatrick.	Sackett.
Haidusek.	Sallas.
Hardey.	Sentell.
Harris.	Schlesinger.
Hill.	Schlosshan.
Holaday.	Scholl.
Holland.	Seawright.
Hudspeth.	Sholars.
Laas.	Smith of Bastrop.
Lanier.	Smith of Hopkins.
Lee.	Smith of Scurry.
Lindemann.	Spradley.
Low	Stewart.
of Washington.	Swope.
McComb.	Terrell.
McDowra.	Thomason
McFarland	of Nacogdoches.
Mendell.	Thompson
Metcalfe.	of Hunt.
Miller of Austin.	Thompson
Miller of Dallas.	of Red River.
Monday.	Tillotson.
Morris.	Tilson.
Murrell.	Tinner.
Neill.	Tschoepe.
Nordhaus.	Upchurch.
O'Banion.	Veatch.
Osborne.	White.
Peyton.	Williford.
Pillow.	Wison.
Raiden.	Woodul.
Reeves.	Yantis.

Nays—1.

Moore.

Present—Not Voting.

Bledsoe.	McMillin.
Bryan.	Spencer of Wise.
Fly.	Woods.

Absent.

Bagby.	Nichols.
Beard of Harris.	Peddy.
Blackburn.	Poage.
Canales.	Pope.
Florer.	Rogers.
Greenwood.	Spencer of Nolan.
Hawkins.	Strayhorn.
Johnson.	Thomas.
Lowe	Valentine.
of McMullen.	Wahrmund.
Martin.	Williams
Neeley.	of Brazoria.

Absent—Excused.

Beasley.	Dodd.
Blalock.	Hartman.
Carlock.	Jones.
Clark.	Lacey.
Crudgington.	Laney.
Davis of Dallas	Lange.

McCoy.
Meador.
O'Brien.
Parks.
Robertson.
Taylor.
Templeton.

Thomason
of El Paso.
Trayler.
Walker.
Williams
of McLennan.

The Speaker then laid before the House, on its second reading and passage to a third reading,

S. B. No. 5, A bill to be entitled "An Act making an appropriation of the sum of sixty-five thousand dollars, or so much thereof as may be necessary, out of the general revenue, not otherwise appropriated, to pay the mileage and per diem of members and the salaries of and per diem of officers and employes of the Third Called Session of the Thirty-fifth Legislature of the State of Texas, providing how accounts may be approved, and declaring an emergency."

The bill was read second time and was passed to a third reading.

SENATE BILL NO. 5 ON THIRD READING.

The Speaker then laid Senate bill No. 5 before the House on its third reading and final passage.

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—88.

Mr. Speaker.	Fairchild.
Baker.	Fisher.
Beard of Milam.	Fitzpatrick.
Beason.	Haidusek.
Bedell.	Hardey.
Bell.	Harris.
Bertram.	Hill.
Blackmon.	Holaday.
Bland.	Holland.
Brown.	Hudspeth.
Bryant.	Laas.
Burton of Rusk.	Lanier.
Burton of Tarrant.	Lee.
Butler.	Lindemann.
Cadenhead.	Low
Cates.	of Washington.
Cope.	McComb.
Cox.	McDowra.
Davis of Grimes.	McFarland.
Davis	Mendell.
of Van Zandt.	Metcalfe.
De Bogory.	Miller of Austin.
Denton.	Miller of Dallas.
Dudley.	Monday.
Dunnam.	Morris.
Estes.	Neill.

Nordhaus.	Spradley.
O'Banion.	Stewart.
Osborne.	Swope.
Peyton.	Terrell.
Pillow.	Thomason
Raiden.	of Nacogdoches.
Reeves.	Thompson
Richards.	of Hunt.
Roemer.	Tillotson.
Russell.	Tilson.
Sackett.	Tinner.
Sallas.	Tschoepe.
Sentell.	Upchurch.
Schlesinger.	Veatch.
Schlosshan.	White.
Scholl.	Williams
Seawright.	of McLennan.
Sholars.	Williford.
Smith of Bastrop.	Wilson.
Smith of Hopkins.	Woodul.
Smith of Scurry.	Yantis.

Nays—2.

Moore.	Thompson
	of Red River.

Present—Not Voting.

Bledsoe.	Murrell.
Bryan.	Spencer of Wise.
Fly.	Woods.
McMillin.	

Absent.

Bagby	Nichols
Beard of Harris.	Peddy.
Blackburn.	Poage.
Canales.	Pope.
Florer.	Rogers.
Greenwood.	Spencer of Nolan.
Hawkins.	Strayhorn.
Johnson.	Thomas.
Lowe	Valentine.
of McMullen.	Wahrmund.
Martin.	Williams
Neeley.	of Brazoria.

Absent—Excused.

Beasley	McCoy.
Blalock.	Meador.
Carlock.	O'Brien.
Clark.	Parks.
Crudgington.	Robertson.
Davis of Dallas.	Taylor.
Dodd.	Templeton.
Hartman.	Thomason
Jones.	of El Paso.
Lacey.	Trayler.
Laney.	Walker.
Lange.	

ADOPTING JOINT RULES.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 1, Adopting Joint Rules.

Resolved, That the Joint Rules of the

Second Called Session of the Thirty-fifth Legislature be adopted as the Joint Rules of the Third Called Session.

The resolution was read second time and was adopted.

BILL ORDERED NOT PRINTED.

On motion of Mr. Terrell, it was ordered that House bill No. 8 be not printed.

COMPENSATION FOR EMPLOYES.

Mr. Tillotson offered the following resolution:

Resolved, That the following persons, all of whom were employes of the House during the Second Called Session in the capacities named, be paid the same compensation as received by them during said Second Called Session for the first five days of this Third Called Session, being from August 31 to September 4, inclusive:

Secretary to Speaker—Read Granberry.

Stenographer to Speaker—Mrs. Kate Brunner.

Porter to Speaker—General Jackson.

Page to Speaker—Mike Davis.

Clerk for Appropriation Committee and Contingent Expense Committee—H. B. Savage.

Clerk to Sergeant-at-Arms—John Jacobs.

Porter to Sergeant-at-Arms—Joe Johnson

Page to Sergeant-at-Arms—Ted Whitlock.

Assistant Sergeant-at-Arms in Gallery—H. T. Dunnaway.

Night watchman—Carl Voorhels.

Assistant Journal Clerk—Jimmie Evans.

Elevator man—G. A. Proctor.

Night clerk for library—Fred Clark.

Porters—John Merriweather, Charlie Jackson, Geo. Nobles, Jas. Bedford, T. W. Williams, Wilson Hill, Tom White, John Baggett, Isaac Edmonds.

Stenographers—Helen Crowell, Linda Word, Virginia Turner, Winnie Warren, Ella Mae Cameron, Adele Whittle, Maude McDannell, Elizabeth Martin, City Prewitt, Katie Hill, Helen Glenn, Lena Roberts, Jane Smith, Stewart Rawls, Mrs. E. A. Turner, Helmuth Ehlers.

Committee clerks—Frank Tiller, Mrs. Lucy Daugherty.

Pages—Aaron Cole, Ernest Denny, Norvil Sharp, J. B. Cagle, John Whatley, Harold Beasley, Cecil Porter, Sam Delaney, Jessie Wilson, Jack Foster, H.

P. Depew, Paschal Buford, Willie Shields, Stanley Hornsby, Charles B. White, Seaburn Stephenson, Emory Williams, John Graham, Rudolph Kunetke, Harold Kemrath, William Hemphill, Franklin Townley, Wilson Davis.

Signed—Tillotson, Monday.

The resolution was read second time and was adopted.

ADJOURNMENT.

On motion of Mr. O'Banion, the House at 4 o'clock p. m. adjourned until 9:30 o'clock a. m. tomorrow.

APPENDIX.

REPORTS OF COMMITTEE ON APPROPRIATIONS.

Committee Room,
Austin, Texas, September 5, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Appropriations, to whom was referred Senate bill No. 4, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

PEYTON, Chairman.

Committee Room,
Austin, Texas, September 5, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Appropriations, to whom was referred Senate bill No. 5, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

PEYTON, Chairman.

REPORT OF COMMITTEE ON GAME AND FISHERIES.

Committee Room,
Austin, Texas, September 4, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Game and Fisheries, to whom was referred House bill No. 7, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Metcalfe has been appointed to make a full report.

BAKER, Chairman.

REPORT OF COMMITTEE ON AGRICULTURE.

Committee Room,
Austin, Texas, September 4, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Agriculture, to whom was referred House bill No. 8, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

BELL, Chairman.

SEVENTH DAY.

(Thursday, September 6, 1917.)

The House met at 9:30 o'clock a. m. pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Mr. Speaker.	Johnson.
Baker.	Laas.
Beard of Milam.	Lanier.
Beasley.	Lee.
Beason.	Lindemann.
Bedell.	Low
Bell.	of Washington.
Bertram.	McComb.
Blackmon.	McDowra.
Bland.	McFarland.
Bledsoe.	McMillin.
Bryan.	Mendell.
Bryant.	Metcalfe.
Burton of Rusk.	Miller of Austin.
Burton of Tarrant.	Miller of Dallas.
Butler.	Monday.
Cadenhead.	Moore.
Clark.	Morris.
Cope.	Murrell.
Cox.	Neill.
Davis of Grimes.	Nordhaus.
Davis	O'Banion.
of Van Zandt.	O'Brien.
De Bogory.	Osborne.
Denton.	Peyton.
Dudley.	Pillow.
Dunnam.	Raiden.
Estes.	Reeves.
Fairchild.	Richards.
Fitzpatrick.	Roemer.
Florer.	Russell.
Fly.	Sackett.
Haidusek.	Sallas.
Hardey.	Sentell.
Harris.	Schlesinger.
Hill.	Schlosshan.
Holaday.	Scholl.
Holland.	Seawright.
Hudspeth.	Sholars.